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ACCEPTANCEMISSOURI,INC.
10

11 UNITEDSTATESDISTRICTCOURT
12 NORTHERNDISTRICTOFCALIFORNIA

13 RICHARDHOWARD,
14 Plaintiff,
15 vs.
16 WELLSFARGOFINANCIAL
ACCEPTANCE,WELLSFARGOAUTO
17 FINANCE,INC.,WELLSFARGO
FINANCIALCAR,LLC, andDOES1-50,
18 Defendants.
19

CaseNo.:CO7-05881EDL

**DEFENDANTWELLSFARGO
FINANCIALACCEPTANCE
MISSOURI,INC.'SSTATEMENTOF
DISCOVERYINDISPUTEAND
REASONSNOTTOCOMPEL
FURTHERRESPONSE**

ComplaintDate:November20,2007

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1 Defendant Wells Fargo Financial Missouri, Inc. ("WellsFargo") submits this Statement of
 2 Discovery in Dispute and Reasons Not to Compel Further Response in opposition to plaintiff's
 3 motion to compel further responses.

4 **REQUESTS FOR PRODUCTION OF DOCUMENTS**

5 **REQUEST FOR PRODUCTION NO. 1:**

6 Any and all documents or other recordings of evidence, constituting or referring to your
 7 policies and procedures in the care, supervision, direction, custody and control of any documents
 8 sought by this request for documents.

9 **RESPONSE TO REQUEST FOR PRODUCTION NO. 1:**

10 Wells Fargo agrees to produce all responsive documents relating to its record retention
 11 policies.

12 **REASON WHY FURTHER RESPONSES SHOULD NOT BE COMPELLED:**

13 Wells Fargo agreed to produce documents responsive to this request. As permitted under
 14 Fed.R.Civ.P.34(b)(2)(E)(i), Wells Fargo has produced documents "as they are kept in the usual
 15 course of business."

16 **REQUEST FOR PRODUCTION NO. 2:**

17 Copies of each and every document which in any way references the corresponding
 18 account numbers, or which otherwise references Plaintiff and/or any of his personal identifiers
 19 other than his name, within four years of the filing of the complaint in this matter.

20 a) "Wells Fargo" Account Nos. 50237044183919001 and /or 5023704418391; and
 21 53825 and/or 5382580.

22 **RESPONSE TO REQUEST FOR PRODUCTION NO. 2:**

23 Wells Fargo agrees to produce all responsive documents relating to the accounts
 24 mentioned above.

25 **REASON WHY FURTHER RESPONSES SHOULD NOT BE COMPELLED:**

26 Wells Fargo agreed to produce documents responsive to this request. As permitted under
 27 Fed.R.Civ.P.34(b)(2)(E)(i), Wells Fargo has produced documents "as they are kept in the usual
 28 course of business."

REQUESTFORPRODUCTIONNO.4:

Copiesofanystatementsyouhavetakenorreceived frommanythirdpersoninanyway connectedwiththisaction,including,butnotlimi tedto,TransUnion,itsattorneysandother agents.

RESPONSETOREQUESTFORPRODUCTIONNO.4:

WellsFargoobjects thatcompliancewiththisreque stwouldbeoppressiveand burdensome.WellsFargoobjects tothisrequestto theextentitseeksinformationthatisneither relevantnorreasonablycalculatedtoleadtothed iscoveryofadmissibleevidence.WellsFargo furtherobjectstothisrequestasoverbroad,vague andambiguous.Asdraftedthisrequestfailsto describethedocumentsrequestedwith“reasonablep articularity.”Fed.R.Civ.P.34(b).

REASONWHYFURTHERRESPONSESSHouldNOTBECOMPELLE D:

Thisrequestisvagueandambiguous, andplaintiff hasfaileddescribethedocuments requestedwith“reasonableparticularity.”Fed.R. Civ.P.(34)(b).Itisunclearwhetherplaintiff ismerelyseekingtheproductionofformalwitness statements(therarenone)orwhetherhe intendstherequesttoreachanycommunicationwith TransUnionthatmightbeconsidered “connectedtothisaction;”forexample,agreements orcommunicationsbetweenthoseparties abouttheirbusinessrelationshipin general, butw hichmaybedeemedtorelateinsomewayto thisaction.

WellsFargodidnotwaiveitsobjections, buttimel yassertedthem. *BurlingtonNorthern* doesnotrequirea respondingpartytoprovideana rratedescriptionoftherasonswhyitis assertingaparticularobjectioninordertopreser vethatobjection.Plaaintiff’sownrefusalto discussandclarifyindividualrequests, andtomee tandconferreasonablyandingoodfaith, precludedWellsFargofromexplainingitsobjection sandpreventedtheresolutionofthisissue withoutcourtintervention.Furthermore,plaintiff hasfailedto *detailthebasis* forplaintiff’s contentionthatheisentitledtothetheresteddis covery.Civ.L.R.37-2;emphasisadded.

REQUESTFORPRODUCTIONNO.5:

Alldocuments showinganauditorreviewbyyouof practices todeterminecompliance with15U.S.C.§l681s-2(a).

1 RESPONSETOREQUESTFORPRODUCTIONNO.5:

2 WellsFargo objects that compliance with this request would be oppressive and
 3 burdensome. WellsFargo objects to this request to the extent it seeks information that is neither
 4 relevant nor reasonably calculated to lead to the discovery of admissible evidence. WellsFargo
 5 objects to this request to the extent it expressly or impliedly seeks information protected from
 6 discovery by the attorney-client privilege, the attorney work product doctrine, the self-critical
 7 analysis privilege, and the bank examination privilege. WellsFargo further objects to this request
 8 as overbroad, vague and ambiguous. As drafted this request fails to describe the documents
 9 requested with "reasonable particularity." Fed.R. Civ.P.34(b).

10 REASONGWHYFURTHERRESPONSESHOULDNOTBECOMPELLED:

11 The request is ambiguous, overbroad, and not reasonably calculated to lead to the
 12 discovery of admissible evidence.

13 Neither "audit" nor "review" is defined, and plaintiff is refused to provide clarification
 14 during the truncated "meet and confer" process. The court has already held that plaintiff has no
 15 private cause of action for violation of 15 U.S.C. §1681s-2(a). *Howard v. Blue Ridge Bank, et al.*,
 16 371 F. Supp. 2d 1139, 1147 (N.D. Ca. 2005). The even issue in plaintiff's second lawsuit took
 17 place in 2007, but this request covers a five year period. "Audits" or "reviews" of WellsFargo's
 18 practices with respect to handling of other credit reporting disputes are not relevant to the
 19 question of whether WellsFargo handled this dispute appropriately, or whether its actions
 20 concerning plaintiff were "willful." Plaintiff has not satisfied his obligation to affirmatively show
 21 that the requested documents are relevant, *Vardon Golf Co., Inc. v. BBMGGolf, Ltd.*, 156 F.R.D.
 22 641, 651 (N.D. Ill. 1994), and that the request is ot unreasonably cumulative or duplicative. Civ.
 23 L.R. 37-2; Fed.R.Civ.P.26(b)(2)(C). Furthermore, plaintiff has failed to detail the basis for
 24 plaintiff's contention that he is entitled to other requested discovery. Civ.L.R.37-2; emphasis
 25 added.

26 WellsFargo did not waive its objections by not explaining them in its responses, and it
 27 should not be required to provide a privilege log until the court rules on the permissible scope of
 28 discovery. *U.S. v. Philip Morris Inc.*, 347 F.3d 951, 954 (D.C. Cir. 2003).

REQUESTFORPRODUCTIONNO.6:

All documents showing an auditor review by you of practices to determine compliance with 15 USC section 1681s-2(b).

RESPONSETOREQUESTFORPRODUCTIONNO.6:

Wells Fargo objects that compliance with this request would be oppressive and burdensome. Wells Fargo objects to this request to the extent it seeks information that is neither relevant nor reasonably calculated to lead to other objects to this request to the extent it expressly or impliedly seeks information protected from discovery by the attorney-client privilege, the attorney work product doctrine, the self-critical analysis privilege, and the bank examination privilege. Wells Fargo further objects to this request as overbroad, vague and ambiguous. As drafted this request fails to describe the documents requested with "reasonable particularity." Fed.R. Civ.P.34(b).

REASONWHYFURTHERRESPONSESSHouldNOTBECOMPELLED:

The request is ambiguous, overbroad, and not reasonably calculated to lead to the discovery of admissible evidence.

Neither "audit" nor "review" is defined, and plaintiff refused to provide clarification during the truncated "meet and confer" process. The events at issue in plaintiff's second lawsuit took place in 2007, but this request covers a five year period. "Audits" or "reviews" of Wells Fargo's practices with respect to handling of other credit reporting disputes are not relevant to the question of whether Wells Fargo handled this dispute appropriately, or whether its actions concerning plaintiff were "willful." Plaintiff has not satisfied his obligation to affirmatively show that the requested documents are relevant, *VardonGolfCo., Inc. v. BBMGGolf, Ltd.*, 156 F.R.D. 641, 651 (N.D.II. 1994), and that the request is not unreasonably cumulative or duplicative. Civil L.R. 37-2; Fed.R.Civ.P.26(b)(2)(C). Furthermore, plaintiff has failed to detail the basis for plaintiff's contention that he is entitled to other requested discovery. Civil L.R.37-2; emphasis added.

1 WellsFargo did not waive its objections by not explaining them in its responses, and it
 2 should not be required to provide a privilege log until the Court rules on the permissible scope of
 3 discovery. *U.S. v. Philip Morris Inc.*, 347 F.3d 951, 954 (D.C. Cir. 2003).

4 **REQUEST FOR PRODUCTION NO. 8:**

5 Please produce all documents sent to Plaintiff by you in the last two years.

6 **RESPONSE TO REQUEST FOR PRODUCTION NO. 8:**

7 WellsFargo agrees to produce all responsive documents sent to Plaintiff by WellsFargo
 8 in the last two years.

9 **REASON WHY FURTHER RESPONSES SHOULD NOT BE COMPELLED D:**

10 Defendant has produced responsive documents to this request. As permitted under Fed.
 11 R.Civ.P.34(b)(2)(E)(i), WellsFargo has produced documents "as they are kept in the usual
 12 course of business."

13 **REQUEST FOR PRODUCTION NO. 9:**

14 Please produce all documents sent to you by Plaintiff in the last two years.

15 **RESPONSE TO REQUEST FOR PRODUCTION NO. 9:**

16 WellsFargo agrees to produce all responsive documents sent to WellsFargo by Plaintiff
 17 in the last two years.

18 **REASON WHY FURTHER RESPONSES SHOULD NOT BE COMPELLED D:**

19 Defendant has produced responsive documents to this request. As permitted under Fed.
 20 R.Civ.P.34(b)(2)(E)(i), WellsFargo has produced documents "as they are kept in the usual
 21 course of business."

22 **REQUEST FOR PRODUCTION NO. 10:**

23 Please produce copies of all of your quarterly profit and loss statements for the past three
 24 (3) years.

25 **RESPONSE TO REQUEST FOR PRODUCTION NO. 10:**

26 WellsFargo objects that compliance with this request would be oppressive and
 27 burdensome. WellsFargo objects to this request to the extent it seeks information that is neither
 28 relevant nor reasonably calculated to lead to the discovery of admissible evidence. WellsFargo

1 further object to this request as overbroad, vague and ambiguous. As drafted this request fails to
 2 describe the documents requested with "reasonable particularity." Fed.R.Civ.P.34(b). Subject
 3 to and without waiving these objections, WellsFarg
o will produce documents responsive to this
 4 request.

REASON WHY FURTHER RESPONSES SHOULD NOT BE COMPELLED:

6 The request is overbroad, and not reasonably calculated to lead to the discovery of
 7 admissible evidence.

8 The events at issue in plaintiff's second lawsuit took place in 2007, but this request covers
 9 a three year period. WellsFargo's quarterly profit and loss statements are not relevant to the
 10 question of whether WellsFargo handled this dispute appropriately, or whether its actions
 11 concerning plaintiff were "willful." Plaintiff's requests for admissions that seek WellsFargo's
 12 net worth should adequately assure plaintiff of WellsFargo's "amenability and ability to pay
 13 damages." Plaintiff has not satisfied his obligation to affirmatively show that the requested
 14 documents are relevant, *Vardon Golf Co., Inc. v. BBMG Golf, Ltd.*, 156 F.R.D. 641, 651 (N.D.II.
 15 1994), and that the request is not unreasonably cumulative or duplicative. Civ.L.R.37-2; Fed.R.
 16 Civ.P.26(b)(2)(C). Furthermore, plaintiff has failed to detail the basis for plaintiff's contention
 17 that he is entitled to the requested discovery. Civ.L.R.37-2; emphasis added.

18 WellsFargo did not waive its objections, but it merely asserted them. *Burlington Northern*
 19 does not require a responding party to provide an articulated description of the reasons why it is
 20 asserting a particular objection in order to preserve that objection.

REQUEST FOR PRODUCTION NO. 11:

22 Please produce copies of all of your current balance sheets and financial statements.

RESPONSE TO REQUEST FOR PRODUCTION NO. 11:

24 WellsFargo objects that compliance with this request would be oppressive and
 25 burdensome. WellsFargo objects to this request to the extent it seeks information that is neither
 26 relevant nor reasonably calculated to lead to the discovery of admissible evidence. WellsFargo
 27 further objects to this request as overbroad, vague and ambiguous. As drafted this request fails to
 28 describe the documents requested with "reasonable particularity." Fed.R.Civ.P.34(b). Subject

1 to and without waiving these objections, WellsFarg 2 o will produce documents responsive to this
request.

3 **REASON WHY FURTHER RESPONSES SHOULD NOT BE COMPELLE D:**

4 The request is overbroad, and not reasonably calculated to lead to the discovery of
5 admissible evidence.

6 WellsFargo's current balance sheets and financial statements are not relevant to the
7 question of whether WellsFargo handled this dispute appropriately, or whether its actions
8 concerning plaintiff were "willful." Plaintiff's requests for admissions that seek WellsFargo's
9 net worth should adequately assure plaintiff of WellsFargo's "amenability and ability to pay
10 damages." Plaintiff has not satisfied his obligation to affirmatively show that the requested
11 documents are relevant, *Vardon Golf Co., Inc. v. BBMG Golf, Ltd.*, 156 F.R.D. 641, 651 (N.D.II.
12 1994), and that the request is not unreasonably cumulative or duplicative. Civ.L.R.37-2; Fed.R.
13 Civ.P.26(b)(2)(C). Furthermore, plaintiff has failed to detail the basis for plaintiff's contention
14 that he is entitled to the requested discovery. Civ.L.R.37-2; emphasis added.

15 WellsFargo did not waive its objections, but it merely asserted them. *Burlington Northern*
16 does not require a responding party to provide an narrative description of the reasons why it is
17 asserting a particular objection in order to preserve that objection.

18 **REQUEST FOR PRODUCTION NO. 12:**

19 Please produce all documents evidencing or including data concerning the names,
20 addresses, telephone numbers, current employers and current whereabouts of each and everyone
21 of your employees who performed any credit reporting work regarding Plaintiff.

22 **RESPONSE TO REQUEST FOR PRODUCTION NO. 12:**

23 WellsFargo objects to this request on the grounds that it seeks documents protected by
24 WellsFargo's employees' rights to privacy under the California and United States Constitutions.
25 WellsFargo objects that compliance with this request would be oppressive and burdensome.
26 WellsFargo objects to this request to the extent it seeks information that is neither relevant nor
27 reasonably calculated to lead to the discovery of admissible evidence. WellsFargo further
28

1 objectstothisrequestasoverbroad,vagueandambiguous.Asdraftedthisrequestfailsto
 2 describethedocumentsrequestedwith“reasonablearticulability.”Fed.R.Civ.P.34(b).

3 **REASONWHYFURTHERRESPONSESHOULDNOTBECOMPELLED:**

4 The requestisoverbroad, andnotreasonablycalculatedtoleadtothediscoveryof
 5 admissibleevidence.

6 Initsinitialdisclosuresandinresponsetoaninterrrogatory, WellsFargo has already
 7 providedalistofnamesandcontactinformationofwitnesseslikelytohaveknowledgeofthe
 8 factsrelatingtothislawsuit. Thisdocumentrequestoverreachestocoverdocumentsthatare
 9 protectedbyWellsFargo’semployees’rightstopri vacy, includingbutnotlimitedtotax
 10 documents,incomestatements, andperformanceevalu ations. Plaintiffhasnotsatisfiedhis
 11 obligationtoaffirmativelyshowthattherequested documentsarerelevant, *VardonGolfCo., Inc.*
 12 *v.BBMGGolf,Ltd.*, 156F.R.D.641,651(N.D.II.1994), andthatthe requestisnotunreasonably
 13 cumulativeorduplicative.Civ.L.R.37-2; Fed.R. Civ.P.26(b)(2)(C). Furthermore, plaintiffhas
 14 failedto *detailthebasis* forplaintiff’scontentionthatheisentitledto therequesteddiscovery.
 15 Civ.L.R.37-2;emphasisadded.

16 WellsFargodidnotwaiveitsobjections, butit melyassertedthem. *BurlingtonNorthern*
 17 doesnotrequirearespondingpartytoprovideana rrateddescriptionoftherasonswhyitis
 18 assertingaparticularobjectioninordertopreser vethatobjection.

19 **REQUESTFORPRODUCTIONNO.13:**

20 Pleaseproducealldocumentsconstitutingyourentirecreditfile(s), collectionfile(s) and
 21 fraud)investigationfile(s), whichinanywayref erencesPlaintiff, Plaintiffspersonalidentifiers
 22 oranyof)theaccountnumbersassociatedwithPlaintiffsidentifiers.

23 **RESPONSETOREQUESTFORPRODUCTIONNO.13:**

24 WellsFargoagreestoproduceallresponsivedocuments tothisrequest.

25 **REASONTOCOMPELFURTHERRESPONSE/FINDOBJECTIONSWITNESSED:**

26 Despitepromisingtodoso, itisnotclearifWell sFargo has producedsuchdocuments. It
 27 hadpreviouslyproduceddocumentspursuanttoitsinitialdisclosure, butsucharenotsortednor

1 identified as required. Defendant did not assert it would or had produced documents as kept in
 2 the ordinary course of its business.

3 **REASON WHY FURTHER RESPONSES SHOULD NOT BE COMPELLE D:**

4 Defendant has produced responsive documents to this request. As permitted under Fed.
 5 R.Civ.P.34(b)(2)(E)(i), Wells Fargo has produced documents "as they are kept in the usual
 6 course of business."

7 **REQUEST FOR PRODUCTION NO. 14:**

8 Please produce all documents which evidence, constitute and/or address your means,
 9 methods or abilities to correctly identify whether at a trade line or former address has been
 10 previously reported as incorrect.

11 **RESPONSE TO REQUEST FOR PRODUCTION NO. 14:**

12 Wells Fargo agrees to produce all responsive documents to this request.

13 **REASONS TO COMPEL FURTHER RESPONSE/FIND OBJECTIONS W AIVED:**

14 Despite promising to do so, Wells Fargo has failed to produce such documents. It had
 15 previously produced documents pursuant to its initial disclosure, but such are not sorted nor
 16 identified as required. Defendant did not assert it would or had produced documents as kept in
 17 the ordinary course of its business.

18 **REASON WHY FURTHER RESPONSES SHOULD NOT BE COMPELLE D:**

19 Defendant has produced responsive documents to this request. As permitted under Fed.
 20 R.Civ.P.34(b)(2)(E)(i), Wells Fargo has produced documents "as they are kept in the usual
 21 course of business."

22 **REQUEST FOR PRODUCTION NO. 15:**

23 Please produce all policy manuals, procedure manual and other documents, which address
 24 your policies, practices or procedures incorrecting, updating, modifying and/or deleting or
 25 suppressing credit data or historical address data which is disputed as inaccurate.

26 **RESPONSE TO REQUEST FOR PRODUCTION NO. 15:**

27 Wells Fargo objects to this request to the extent it expressly or impliedly seeks
 28 information which is confidential or proprietary in nature or which constitutes protected

1 commercial, trade secret information of Wells Fargo . Subject to and without waiving these
 2 objections, Wells Fargo will produce all responsive documents in its possession, custody, and
 3 control that are not objectionable.

4 **REASON WHY FURTHER RESPONSES SHOULD NOT BE COMPELLE D:**

5 Defendant has produced responsive documents to this request. As permitted under Fed.
 6 R.Civ.P.34(b)(2)(E)(i), Wells Fargo has produced documents "as they are kept in the usual
 7 course of business."

8 **REQUEST FOR PRODUCTION NO. 16:**

9 Please produce all organizational charts for Wells Fargo Financial Missouri, Inc. from two
 10 years before the complaint was filed in this case to present.

11 **RESPONSE TO REQUEST FOR PRODUCTION NO. 16:**

12 Wells Fargo objects to this request to the extent it expressly or impliedly seeks
 13 information which is confidential or proprietary in nature or which constitutes protected
 14 commercial, trade secret information of Wells Fargo . Subject to and without waiving these
 15 objections, Wells Fargo will produce all responsive documents in its possession, custody, and
 16 control that are not objectionable.

17 **REASON WHY FURTHER RESPONSES SHOULD NOT BE COMPELLE D:**

18 Defendant has produced responsive documents to this request. As permitted under Fed.
 19 R.Civ.P.34(b)(2)(E)(i), Wells Fargo has produced documents "as they are kept in the usual
 20 course of business."

21 **REQUEST FOR PRODUCTION NO. 17:**

22 Please produce all organizational charts for Wells Fargo Financial Acceptance, Inc. from
 23 two years before the complaint was filed in this case to present.

24 **RESPONSE TO REQUEST FOR PRODUCTION NO. 17:**

25 Wells Fargo objects to this request to the extent it expressly or impliedly seeks
 26 information which is confidential or proprietary in nature or which constitutes protected
 27 commercial, trade secret information of Wells Fargo . Subject to and without waiving these
 28

1 objections, WellsFargo will produce all responsive documents in its possession, custody, and
2 control that are not objectionable.

3 REASON WHY FURTHER RESPONSES SHOULD NOT BE COMPELLE D:

4 Defendant has produced responsive documents to this request. As permitted under Fed.
5 R.Civ.P.34(b)(2)(E)(i), WellsFargo has produced documents "as they are kept in the usual
6 course of business."

7 REQUEST FOR PRODUCTION NO.18:

8 Please produce copies of all papers, records and documents referred, referenced or
9 reflected upon in response to Plaintiff's First Set of Interrogatories Directed to Defendant.

10 RESPONSE TO REQUEST FOR PRODUCTION NO.18:

11 WellsFargo objects that compliance with this request would be oppressive and
12 burdensome. WellsFargo objects to this request to the extent it seeks information that is neither
13 relevant nor reasonably calculated to lead to the discovery of admissible evidence. WellsFargo
14 further objects to this request as overbroad, vague and ambiguous. As drafted this request fails to
15 describe the documents requested with "reasonable particularity." Fed.R.Civ.P.34(b). Subject
16 to and without waiving these objections, WellsFargo will produce all responsive documents in its
17 possession, custody, and control that are not objectionable.

18 REASON WHY FURTHER RESPONSES SHOULD NOT BE COMPELLE D:

19 Defendant has produced responsive documents to this request. As permitted under Fed.
20 R.Civ.P.34(b)(2)(E)(i), WellsFargo has produced documents "as they are kept in the usual
21 course of business."

22 REQUEST FOR PRODUCTION NO.20:

23 Please produce any and all documents or computer screens which set forth or demonstrate
24 all of the account information that you are current ly reporting about the Plaintiff.

25 RESPONSE TO REQUEST FOR PRODUCTION NO.20:

26 WellsFargo agrees to produce all responsive documents to this request.

1 REASON WHY FURTHER RESPONSES SHOULD NOT BE COMPELLE D:

2 Defendant has produced responsive documents to this request. As permitted under Fed.
 3 R.Civ.P.34(b)(2)(E)(i), Wells Fargo has produced documents "as they are kept in the usual
 4 course of business."

5 REQUEST FOR PRODUCTION NO.21:

6 Any archived records of actions taken by you in relation to the plaintiff for any of the
 7 plaintiff's personal identifiers.

8 RESPONSE TO REQUEST FOR PRODUCTION NO.21:

9 Wells Fargo agrees to produce all responsive documents to this request.

10 REASON WHY FURTHER RESPONSES SHOULD NOT BE COMPELLE D:

11 Defendant has produced responsive documents to this request. As permitted under Fed.
 12 R.Civ.P.34(b)(2)(E)(i), Wells Fargo has produced documents "as they are kept in the usual
 13 course of business."

14 REQUEST FOR PRODUCTION NO.26:

15 Any budgets or projections prepared within the preceding five years, allocating resources
 16 or expenditures to the conducting of re-investigation under 15 U.S.C. §1681-s2.

17 RESPONSE TO REQUEST FOR PRODUCTION NO.26:

18 Wells Fargo objects that compliance with this request would be oppressive and
 19 burdensome. Wells Fargo objects to this request to the extent it seeks information that is neither
 20 relevant nor reasonably calculated to lead to the discovery of admissible evidence. Wells Fargo
 21 further objects to this request as overbroad, vague and ambiguous. As drafted this request fails to
 22 describe the documents requested with "reasonable particularity." Fed.R.Civ.P.34(b).

23 REASON WHY FURTHER RESPONSES SHOULD NOT BE COMPELLE D:

24 The request is ambiguous, overbroad, and not reasonably calculated to lead to the
 25 discovery of admissible evidence.

26 The events at issue in plaintiff's second lawsuit took place in 2007, but this request covers
 27 a five year period. "Budgets" or "projections" all relating resources to the conducting of
 28 re-investigations on a company wide basis are not relevant to the question of whether Wells Fargo

1 handled this dispute appropriately, or whether its actions concerning plaintiff were "willful."

2 Plaintiff has not satisfied his obligation to affirmatively show that the requested documents are

3 relevant, *Vardon Golf Co., Inc. v. BBMGGolf, Ltd.*, 156 F.R.D. 641, 651 (N.D.II.1994), and that

4 the request is not unreasonably cumulative or duplicative. Civ.L.R.37-2; Fed.R.Civ.P.

5 26(b)(2)(C). Furthermore, plaintiff has failed to detail the basis for plaintiff's contention that the

6 is entitled to the requested discovery. Civ.L.R. 37-2; emphasis added.

7 Wells Fargo did not waive its objections, but it merely asserted them. *Burlington Northern*
 8 does not require a responding party to provide an narrative description of the reasons why it is
 9 asserting a particular objection in order to preserve that objection.

10 REQUEST FOR PRODUCTION NO. 28:

11 Any manuals, bulletins or notices provided to YOU describing YOUR contractual or
 12 statutory duties relating to the investigation of inaccurate or incomplete credit information.

13 RESPONSE TO REQUEST FOR PRODUCTION NO. 28:

14 Wells Fargo objects that compliance with this request would be oppressive and
 15 burdensome. Wells Fargo objects to this request to the extent it seeks information that is neither
 16 relevant nor reasonably calculated to lead to the discovery of admissible evidence. Wells Fargo
 17 further objects to this request as overbroad, vague and ambiguous. As drafted this request fails to
 18 describe the documents requested with "reasonable particularity." Fed.R.Civ.P.34(b).

19 REASON TO COMPEL FURTHER RESPONSE/FIND OBJECTIONS WAIVED:

20 Defendant has waived objections by making mere boilerplate objections and by not timely
 21 substantiating its objections under *Burlington Northern v. US Dist. Ct.* (9th Cir. 2005) 408 F.3d
 22 1142. The request is reasonably calculated. There is nothing oppressive and burdensome about
 23 this request. The request is not overbroad, vague nor ambiguous and is reasonably particularized:
 24 it seeks documents establishing what defendant knew its duties to be.

25 REASON WHY FURTHER RESPONSES SHOULD NOT BE COMPELLED D:

26 The request is ambiguous, overbroad, and not reasonably calculated to lead to the
 27 discovery of admissible evidence.

1 WellsFargostatutorydutiesrelatingtothislawsuitareclearlydefinedin15U.S.C.
 2 §1681s-2(b).WellsFargo'sknowledgeofsuehdutiesisirrelevanttoplaintiff'sabilitytoprove
 3 WellsFargoliabilityunderthestatute.Plaaintiffhasnotsatisfiedhisobligationtoaffirmatively
 4 showthattherequesteddocumentsarerelevant,*VardonGolfCo.,Inc.v.BBMGGolf,Ltd.*,156
 5 F.R.D.641,651(N.D.II.1994),andthatthereque
 6 stisnotunreasonablycumulativeor
 7 duplicative.Civ.L.R.37-2;Fed.R.Civ.P.26(b)
 8 *(2)(C).*Furthermore,plaintiffhasfailedto
 9 *detailthebasis*forplaintiff'scontentionthatheisentitledtotherequesteddiscovery.Civ.L.R.
 10 37-2;*emphasisadded.*

11 WellsFargodidnotwaiveitsobjections,buttimelyassertedthem.*BurlingtonNorthern*
 12 doesnotrequirearespondingpartytoprovideanarratedescriptionoftherasonswhyitis
 13 assertingaparticularobjectioninordertopreservethatobjection.

14 **REQUESTFORPRODUCTIONNO.29:**

15 Transcriptsofanydepositiongivenbyanyindividualidentifiedbyyouinyourdisclosures
 16 givenpursuanttorule26(a)regardingreinvestigationofconsumerdisputes.

17 **RESPONSETOREQUESTFORPRODUCTIONNO.29:**

18 WellsFargoobjectsthatcompliancewiththisrequestwouldbeoppressiveand
 19 burdensome.WellsFargoobjectstothisrequesttotheextentitseeksinformationthatisneither
 20 relevantnorreasonablycalculatedtoleadtothesDiscoveryofadmissibleevidence.WellsFargo
 21 furtherobjectstothisrequestasoverbroad,vagueandambiguous.Asdraftedthisrequestfailsto
 22 describethedocumentsrequestedwith"reasonable"articularity."Fed.R.Civ.P.34(b).

23 **REASONWHYFURTHERRESPONSESSHouldNOTBECOMPELLED:**

24 Therequestisambiguous,overbroad,andonnotreasonablycalculatedtoleadtothe
 25 discoveryofadmissibleevidence.

26 Totheextentthisrequestseekstranscriptsofdepositionstakeninthiscase,therenore
 27 responsivedocuments.Employees'depositiontranscriptsastheyrelatetoinvestigationsother
 28 thanthosewhichinvolvedtheplaintiffarenottreatedtothequestionofwhetherWellsFargo
 Plaintiffhasnotsatisfiedhisobligationtoaffirmativelyshowthattherequesteddocumentsare
 handledthisdisputeappropriately,orwhetheritsactionsconcerningplaintiffwere"willful."

1 relevant, *VardonGolfCo., Inc. v. BBMGGolf, Ltd.*, 156 F.R.D.641,651(N.D.II.1994),andthat
 2 therequestisnotunreasonablycumulativeordupli cative.Civ.L.R.37-2;Fed.R.Civ.P.
 3 26(b)(2)(C).Furthermore,plaintiffhasfailedto detailthebasis forplaintiff'scontentionthathe
 4 isentitledtotherequesteddiscovery.Civ.L.R. 37-2;emphasisadded.

5 WellsFargodidnotwaiveitsobjections,butit melyassertedthem. *BurlingtonNorthern*
 6 doesnotrequirearespondingpartytoprovideana rratedescriptionoftherasonswhyitis
 7 assertingaparticularobjectioninordertopreser vethatobjection.

8 **REQUESTFORPRODUCTIONNO.30:**

9 Transcriptsofanydepositiongivenbyanyindividu alidentifiedbyyouinyourdisclosures
 10 givenpursuanttorule26(a)regardingmaintaining consumerreportingdatabasesfreefromerror.

11 **RESPONSETOREQUESTFORPRODUCTIONNO.30:**

12 WellsFargoobjectsthatcompliancewiththisreque stwouldbeoppressiveand
 13 burdensome.WellsFargoobjectstothisrequestto theextentitseeksinformationthatisneither
 14 relevantnorreasonablycalculatedtoleadtothed iscoveryofadmissibleevidence.WellsFargo
 15 furtherobjectstothisrequestasoverbroad,vague andambiguous.Asdraftedthisrequestfailsto
 16 describethedocumentsrequestedwith“reasonablep articularity.”Fed.R.Civ.P.34(b).

17 **REASONWHYFURTHERRESPONSESSHouldNOTBECOMPELLE D:**

18 Therequestisambiguous,overbroad,andontreason ablycalculatedtoleadtothe
 19 discoveryofadmissibleevidence.

20 Totheextentthisrequestseekstranscriptsofdep ositionstakeninthiscase,thereneno
 21 responsivedocuments.Employees'depositiontransc riptionsastheyrelatetoinvestigationsother
 22 thanthosewhichinvolvedtheplaintiffarenotrel evanttothequestionofwhetherWellsFargo
 23 handledthisdisputeappropriately,orwhetherits actionsconcerningplaintiffwere“willful.”

24 Plaintiffhasnotsatisfiedhisobligationtoaffir mativelyshowthatthetheresteddocumentsare
 25 relevant, *VardonGolfCo., Inc. v. BBMGGolf, Ltd.*, 156 F.R.D.641,651(N.D.II.1994),andthat
 26 therequestisnotunreasonablycumulativeordupli cative.Civ.L.R.37-2;Fed.R.Civ.P.
 27 26(b)(2)(C).Furthermore,plaintiffhasfailedto detailthebasis forplaintiff'scontentionthathe
 28 isentitledtotherequesteddiscovery.Civ.L.R. 37-2;emphasisadded.

1 WellsFargo did not waive its objections, but it
 2 does not require a responding party to provide any
 3 asserting a particular objection in order to present
 4 **REQUEST FOR PRODUCTION NO.31:**

5 Please produce any and all policy manuals, procedural
 6 documents of any kind, which address any or all of
 7 insuring the maximum possible accuracy of data posted
 8 **RESPONSE TO REQUEST FOR PRODUCTION NO.31:**

9 Wells Fargo objects that compliance with this request
 10 burdensome. Wells Fargo objects to this request to
 11 relevant nor reasonably calculated to lead to the
 12 further objects to this request as overbroad, vague
 13 describes the documents requested with "reasonable
 14 **REASON WHY FURTHER RESPONSES SHOULD NOT BE COMPELLED D:**

15 The request is ambiguous, overbroad, and not reasonably
 16 calculated to lead to the discovery of admissible evidence.

17 To the extent this request seeks information pertaining to the accuracy of reporting
 18 information to credit reporting agencies, these documents are irrelevant to this action. This Court
 19 has already held that plaintiff has no private cause of action for violation of 15 U.S.C. §1681s-
 20 2(a), which covers accurate reporting. *Howard v. Blue Ridge Bank, et al.*, 371 F. Supp. 2d 1139,
 21 1147 (N.D. Ca. 2005). Wells Fargo has already produced relevant policy and procedure manuals
 22 relating to its investigations under 15 U.S.C. §1681s-2(b). Plaintiff has not satisfied his
 23 obligation to show that the request is not unreasonable by cumulative or duplicative when compared
 24 to the other numerous requests seeking similar policy and procedure manuals. Civ.L.R. 37-2;
 25 Fed.R.Civ.P.26(b)(2)(C). Furthermore, plaintiff has failed to detail the basis for plaintiff's
 26 contention that he is entitled to the requested discovery. Civ.L.R. 37-2; emphasis added.

1 WellsFargo did not waive its objections, but it
 2 does not require a responding party to provide any
 3 asserting a particular objection in order to present
 4 **REQUEST FOR PRODUCTION NO.32:**

5 Please produce any and all policy manuals, procedural
 6 address your policies, practices or procedures in
 7 maintained or disseminated by you.

8 **RESPONSE TO REQUEST FOR PRODUCTION NO.32:**

9 Wells Fargo objects that compliance with this request
 10 burdensome. Wells Fargo objects to this request to
 11 relevant nor reasonably calculated to lead to the
 12 further objects to this request as overbroad, vague
 13 describes the documents requested with "reasonable
 14 **REASON WHY FURTHER RESPONSES SHOULD NOT BE COMPELLED:** D:

15 The request is ambiguous, overbroad, and not reasonably calculated to lead to the
 16 discovery of admissible evidence.

17 To the extent this request seeks information pertaining to the accuracy of reporting
 18 information to credit reporting agencies, these documents are irrelevant to this action. This Court
 19 has already held that plaintiff has no private cause of action for violation of 15 U.S.C. §1681s-
 20 2(a), which covers accurate reporting. *Howard v. Blue Ridge Bank, et al.*, 371 F. Supp. 2d 1139,
 21 1147 (N.D. Ca. 2005). Wells Fargo has already produced relevant policy and procedure manuals
 22 relating to its investigations under 15 U.S.C. §168 obligation to show that the request is not unreasonable
 23 to the other numerous requests seeking similar policy and procedure manuals. Civ.L.R. 37-2;
 24 Fed.R.Civ.P.26(b)(2)(C). Furthermore, plaintiff has failed to detail the basis for plaintiff's
 25 contention that he is entitled to the requested discovery. Civ.L.R. 37-2; emphasis added.

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 mely asserted them. *Burlington Northern*
 rrated description of the reasons why it is
 vethatobjection.

1 WellsFargo did not waive its objections, but it
 2 does not require a responding party to provide any
 3 asserting a particular objection in order to present
 4 **REQUEST FOR PRODUCTION NO.33:**

5 Please produce any and all policy manuals, procedural
 6 address your policies, practices or procedures in
 7 maintained or disseminated by you.

8 **RESPONSE TO REQUEST FOR PRODUCTION NO.33:**

9 Wells Fargo objects that compliance with this request
 10 burdensome. Wells Fargo objects to this request to
 11 relevant nor reasonably calculated to lead to the
 12 further objects to this request as overbroad, vague
 13 describes the documents requested with "reasonable
 14 **REASON WHY FURTHER RESPONSES SHOULD NOT BE COMPELLED:** D:
 15 The request is ambiguous, overbroad, and not reasonably calculated to lead to the
 16 discovery of admissible evidence.

17 To the extent this request seeks information pertaining to the accuracy of reporting
 18 information to credit reporting agencies, these documents are irrelevant to this action. This Court
 19 has already held that plaintiff has no private cause of action for violation of 15 U.S.C. §1681s-
 20 2(a), which covers accurate reporting. *Howard v. Blue Ridge Bank, et al.*, 371 F. Supp. 2d 1139,
 21 1147 (N.D. Ca. 2005). Wells Fargo has already produced relevant policy and procedure manuals
 22 relating to its investigations under 15 U.S.C. §168 obligation to show that the request is not unreasonable
 23 to the other numerous requests seeking similar policy and procedure manuals. Civ.L.R. 37-2;
 24 Fed.R.Civ.P.26(b)(2)(C). Furthermore, plaintiff has failed to detail the basis for plaintiff's
 25 contention that he is entitled to the requested discovery. Civ.L.R. 37-2; emphasis added.
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1 WellsFargo did not waive its objections, but it
 2 does not require a responding party to provide any
 3 asserting a particular objection in order to present
 4 **REQUEST FOR PRODUCTION NO.35:**

5 Please produce any and all policy manuals, procedure
 6 are training manuals for your employees, in the following areas: consumer credit disputes,
 7 reinvestigation, delete mechanisms, suppression functions and deletion functions.

8 **RESPONSE TO REQUEST FOR PRODUCTION NO.35:**

9 Wells Fargo objects to this request to the extent it expressly or impliedly seeks
 10 information which is confidential or proprietary in nature or which constitutes protected
 11 commercial, trade secret information of Wells Fargo. Subject to and without waiving these
 12 objections, Wells Fargo will produce all responsive documents in its possession, custody, and
 13 control that are not objectionable.

14 **REASON WHY FURTHER RESPONSES SHOULD NOT BE COMPELLED D:**

15 Defendant has produced responsive documents to this request. As permitted under Fed.
 16 R.Civ.P.34(b)(2)(E)(i), Wells Fargo has produced documents "as they are kept in the usual
 17 course of business."

18 **REQUEST FOR PRODUCTION NO.39:**

19 Please produce your policy manuals, procedure manuals, or other documents which
 20 address instructions or directions provided by any nationwide credit reporting agency to YOU,
 21 with regard to the means, methods and guidelines for communicating corrections of credit data by
 22 you.

23 **RESPONSE TO REQUEST FOR PRODUCTION NO.39:**

24 Wells Fargo objects to this request on the grounds that it seeks documents protected by
 25 third parties' right to confidentiality. Wells Fargo objects that compliance with this request
 26 would be oppressive and burdensome. Wells Fargo objects to this request to the extent it seeks
 27 information that is neither relevant nor reasonably calculated to lead to the discovery of
 28 admissible evidence. Wells Fargo further objects to this request as overbroad, vague and

1 ambiguous. As drafted this request fails to describe
 2 the documents requested with "reasonable
 particularity." Fed.R.Civ.P.34(b).

3 **REASON WHY FURTHER RESPONSES SHOULD NOT BE COMPELLED:**

4 The request is ambiguous, overbroad, and not reasonably calculated to lead to the
 5 discovery of admissible evidence.

6 To the extent this request seeks information pertaining to the accuracy of reporting
 7 information to credit reporting agencies, these documents are irrelevant to this action. This Court
 8 has already held that plaintiff has no private cause of action for violation of 15 U.S.C. §1681s-
 9 (a), which covers accurate reporting. *Howard v. Blue Ridge Bank, et al.*, 371 F.Supp.2d 1139,
 10 1147 (N.D.Ca.2005). Wells Fargo has already produced relevant policy and procedure manuals
 11 relating to its investigations under 15 U.S.C. §1681s-2(b). Plaintiff has not satisfied his
 12 obligation to show that the request is not unreasonably cumulative or duplicative when compared
 13 to the other numerous requests seeking similar policy and procedure manuals. Civ.L.R.37-2;
 14 Fed.R.Civ.P.26(b)(2)(C). Furthermore, plaintiff has failed to detail the basis for plaintiff's
 15 contention that he is entitled to the requested discovery. Civ.L.R.37-2; emphasis added.

16 Wells Fargo did not waive its objections, but it merely asserted them. *Burlington Northern*
 17 does not require a responding party to provide an articulated description of the reasons why it is
 18 asserting a particular objection in order to preserve that objection.

19 **REQUEST FOR PRODUCTION NO.51:**

20 Please produce any and all documents which contain data listing or otherwise identifying
 21 each of your operators or other employees, their corresponding office descriptions and numbers,
 22 and their corresponding badge and identification numbers, who have knowledge about the matters
 23 in dispute in this case.

24 **RESPONSE TO REQUEST FOR PRODUCTION NO.51:**

25 Wells Fargo objects that compliance with this request would be oppressive and
 26 burdensome. Wells Fargo objects to this request to the extent it seeks information that is neither
 27 relevant nor reasonably calculated to lead to the discovery of admissible evidence. Wells Fargo
 28

1 further object to this request as overbroad, vague and ambiguous. As drafted this request fails to
 2 describe the documents requested with "reasonable particularity." Fed.R.Civ.P.34(b).

3 **REASON WHY FURTHER RESPONSES SHOULD NOT BE COMPELLED D:**

4 The request is overbroad, and not reasonably calculated to lead to the discovery of
 5 admissible evidence.

6 In its initial disclosures and in response to an interrogatory, Wells Fargo has already
 7 provided a list of names and contact information of witnesses likely to have knowledge of the
 8 facts relating to this lawsuit. To force Wells Fargo to search for documents providing such
 9 information would be unduly burdensome and oppressive. Plaintiff has not satisfied his
 10 obligation to affirmatively show that the requested documents are relevant, *Vardon Golf Co., Inc.*
 11 v. *BBMGGolf, Ltd.*, 156 F.R.D. 641, 651 (N.D.II. 1994), and that the request is not unreasonably
 12 cumulative or duplicative. Civ.L.R.37-2; Fed.R. Civ.P.26(b)(2)(C). Furthermore, plaintiff has
 13 failed to detail the basis for plaintiff's contention that he is entitled to the requested discovery.
 14 Civ.L.R.37-2; emphasis added.

15 Wells Fargo did not waive its objections, but it merely asserted them. *Burlington Northern*
 16 does not require a responding party to provide an articulated description of the reasons why it is
 17 asserting a particular objection in order to preserve that objection.

18 **REQUEST FOR PRODUCTION NO.52:**

19 Produce any documents bearing plaintiff's name or social security number relating to the
 20 debt in question in this case, the account relating to that debt, any account reviews, any credit
 21 applications, and the reporting of that debt to any credit reporting agency.

22 **RESPONSE TO REQUEST FOR PRODUCTION NO.52:**

23 Wells Fargo agrees to produce all responsive documents sought in this request.

24 **REASON WHY FURTHER RESPONSES SHOULD NOT BE COMPELLED D:**

25 Defendant has produced responsive documents to this request. As permitted under Fed.
 26 R.Civ.P.34(b)(2)(E)(i), Wells Fargo has produced documents "as they are kept in the usual
 27 course of business."

REQUESTFORPRODUCTIONNO.53:

2 Produceanycontractorobligationwhichrelateto anycontractorobligationattributedto
 3 plaintiffsnameorsocialsecuritynumber.

RESPONSETOREQUESTFORPRODUCTIONNO.53:

5 WellsFargoagreestoproduceallresponsivedocume ntssoughtinthisrequest.

REASONWHYFURTHERRESPONSESSHouldNOTBECOMPELLE D:

7 Defendanthasproducedresponsivedocumentstothis request.AspermittedunderFed.
 8 R.Civ.P.34(b)(2)(E)(i),WellsFargoahasproduced documents“astheyarekeptintheusual
 9 courseofbusiness.”

REQUESTFORPRODUCTIONNO.54:

11 Produceanycontract,obligation,application,appr ovals,denials,creditevaluations,credit
 12 reports,reinvestigationnotes,correspondence,not ices,creditscores,accounthistory,billing
 13 statements,collectionnotes,disputelogs,memoran da,data,creditreportings,CDV's,ACDV's,
 14 responsestoCDV's,requestsforreinvestigationof creditdata(includinganydocuments
 15 providedalongwiththerequest),responsestoACDV 's,UDF's,consumerdisputes,responsesto
 16 requestsforreinvestigation,Metrodata,MetroII data,orotherdocumentswhichrelatetoany
 17 accountattributedtoplaintiffsnameorsocialsec uritynumberintheperiodbeforefouryears
 18 beforethiscomplaintwasfiledandthepresent.

RESPONSETOREQUESTFORPRODUCTIONNO.54:

20 WellsFargoagreestoproduceallresponsivedocume ntssoughtinthisrequest.

REASONWHYFURTHERRESPONSESSHouldNOTBECOMPELLE D:

22 Defendanthasproducedresponsivedocumentstothis request.AspermittedunderFed.
 23 R.Civ.P.34(b)(2)(E)(i),WellsFagoahasproduced documents“astheyarekeptintheusual
 24 courseofbusiness.”

REQUESTFORPRODUCTIONNO.55:

26 Produceanycreditinformationsuppliedtoanycred itreportingagencyrelatingtoplaintiff
 27 screditreport,plaintiffssocialsecuritynumber ,oranyaccountattributabletoplaintiffor
 28 plaintiffssocialsecuritynumber.

1 RESPONSETOREQUESTFORPRODUCTIONNO.55:

2 WellsFargoagreestoproduceallresponsivedocume ntssoughtinthisrequest.

3 REASONWHYFURTHERRESPONSESSHouldNOTBECOMPELLE D:

4 Defendanthasproducedresponsivedocumentstothis request.AspermittedunderFed.
 5 R.Civ.P.34(b)(2)(E)(i),WellsFargohasproduced documents“astheyarekeptintheusual
 6 courseofbusiness.”

7 REQUESTFORPRODUCTIONNO.56:

8 Produceallmanuals,guides,bulletins,memoranda, orotherdocuments,whichaddress
 9 yourpolicies,practicesorproceduresintraining orinstructingemployeesinthehandling
 10 disputes,investigations,orreinvestigationsofcreditdatafurnishedtocreditreportingagencies.

11 RESPONSETOREQUESTFORPRODUCTIONNO.56:

12 WellsFargoobjectstothisrequesttotheextenti texpresslyorimpliedlyseeks
 13 informationwhichisconfidentialorproprietaryin natureorwhichconstitutesprotected
 14 commercial,tradesecretinformationofWellsFargo .Subjecttoandwithoutwaivingthese
 15 objections,WellsFargowillproduceallresponsive documentsinitspossession,custody,anda
 16 controlthatarenotobjectionable.

17 REASONWHYFURTHERRESPONSESSHouldNOTBECOMPELLE D:

18 Defendanthasproducedresponsivedocumentstothis request.AspermittedunderFed.
 19 R.Civ.P.34(b)(2)(E)(i),WellsFago hasproduced documents“astheyarekeptintheusual
 20 courseofbusiness.”

21 REQUESTFORPRODUCTIONNO.57:

22 Produceallmanuals,guides,bulletins,memoranda, orotherdocuments,whichaddress
 23 yourpolicies,practicesorproceduresintraining orinstructingemployeesinverificationofcredit
 24 datainresponsetoanycreditdisputeinitiatedthroughdirectlydisputewithyou.

25 RESPONSETOREQUESTFORPRODUCTIONNO.57:

26 WellsFagoobjectstothisrequesttotheextenti texpresslyorimpliedlyseeks
 27 informationwhichisconfidentialorproprietaryin natureorwhichconstitutesprotected
 28 commercial,tradesecretinformationofWellsFago .Subjecttoandwithoutwaivingthese

1 objections, WellsFargo will produce all responsive documents in its possession, custody, and
 2 control that are not objectionable.

3 **REASON WHY FURTHER RESPONSES SHOULD NOT BE COMPELLE D:**

4 Defendant has produced responsive documents to this request. As permitted under Fed.
 5 R.Civ.P.34(b)(2)(E)(i), WellsFargo has produced documents "as they are kept in the usual
 6 course of business."

7 **REQUEST FOR PRODUCTION NO.58:**

8 Produce any other documents prepared, sent, or received by YOU in the course of
 9 conducting any investigation regarding plaintiff's consumer report in period between four years
 10 before the complaint was filed and the present.

11 **RESPONSE TO REQUEST FOR PRODUCTION NO.58:**

12 WellsFargo agrees to produce all responsive documents sought in this request.

13 **REASON WHY FURTHER RESPONSES SHOULD NOT BE COMPELLE D:**

14 Defendant has produced responsive documents to this request. As permitted under Fed.
 15 R.Civ.P.34(b)(2)(E)(i), WellsFargo has produced documents "as they are kept in the usual
 16 course of business."

17 **REQUEST FOR PRODUCTION NO.59:**

18 Produce any agreement and amendments under which YOU use, report or furnish credit
 19 information to any credit reporting agency to which you provided credit data or account
 20 information relating to plaintiff operative in the period between four years before the complaint
 21 was filed and the present.

22 **RESPONSE TO REQUEST FOR PRODUCTION NO.59:**

23 WellsFargo objects that compliance with this request would be oppressive and
 24 burdensome. WellsFargo objects to this request to the extent it seeks information that is neither
 25 relevant nor reasonably calculated to lead to the discovery of admissible evidence. WellsFargo
 26 further objects to this request as overbroad, vague and ambiguous. As drafted this request fails to
 27 describe the documents requested with "reasonable particularity." Fed.R.Civ.P.34(b).

1 REASON WHY FURTHER RESPONSES SHOULD NOT BE COMPELLE D:

2 The request is ambiguous, overbroad, and not reasonably calculated to lead to the
 3 discovery of admissible evidence.

4 The events at issue in plaintiff's second lawsuit took place in 2007, but this request covers
 5 a four year period. TransUnion is the only credit reporting agency that allegedly reported the
 6 account; plaintiff fails to explain how agreements with the other credit reporting agencies are
 7 relevant. Even if the request was limited to agree- ments with TransUnion, plaintiff has not
 8 satisfied his obligation to affirmatively show how such agreements are relevant, *Vardon Golf Co., Inc. v. BBMGGolf, Ltd.*, 156 F.R.D. 641, 651 (N.D.II.1994). Furthermore, plaintiff has failed to
 9 detail the basis for plaintiff's contention that he is entitled to here requested discovery. Civ.L.R.
 10 37-2; emphasis added.

12 To the extent this request seeks information pertaining to the accuracy of reporting
 13 information to credit reporting agencies, these documents are irrelevant to this action. This Court
 14 has already held that plaintiff has no private cause of action for violation of 15 U.S.C. §1681s-
 15 2(a), which covers accurate reporting. *Howard v. Blue Ridge Bank, et al.*, 371 F.Supp.2d 1139,
 16 1147 (N.D.Ca.2005).

17 Wells Fargo did not waive its objections, but it merely asserted them. *Burlington Northern*
 18 does not require a responding party to provide a narrative description of the reasons why it is
 19 asserting a particular objection in order to preserve that objection.

20 REQUEST FOR PRODUCTION NO. 60:

21 Produce any training materials including manuals, memos, videos, instructions,
 22 agreements, or any other document provided to you by any credit reporting agency relating to
 23 reinvestigations of credit data.

24 RESPONSE TO REQUEST FOR PRODUCTION NO. 60:

25 Wells Fargo objects that compliance with this request would be oppressive and
 26 burdensome. Wells Fargo objects to this request to the extent it seeks information that is neither
 27 relevant nor reasonably calculated to lead to the discovery of admissible evidence. Wells Fargo
 28

1 further object to this request as overbroad, vague and ambiguous. As drafted this request fails to
 2 describe the documents requested with "reasonable particularity." Fed.R.Civ.P.34(b).

3 **REASON WHY FURTHER RESPONSES SHOULD NOT BE COMPELLE D:**

4 The request is ambiguous, overbroad, and not reasonably calculated to lead to the
 5 discovery of admissible evidence.

6 Wells Fargo has already produced relevant policy and procedure manuals relating to its
 7 investigations under 15 U.S.C. § 1681s-2(b). Plaintiff has not satisfied his obligation to show that
 8 the request is not unreasonably cumulative or duplicative when compared to the other numerous
 9 requests seeking similar policy and procedure manuals. Civ.L.R. 37-2; Fed.R.Civ.P.
 10 26(b)(2)(C). Furthermore, plaintiff has failed to detail the basis for plaintiff's contention that he
 11 is entitled to the requested discovery. Civ.L.R. 37-2; emphasis added.

12 Wells Fargo did not waive its objections, but it merely asserted them. *Burlington Northern*
 13 does not require a responding party to provide an articulated description of the reasons why it is
 14 asserting a particular objection in order to preserve that objection.

15 **REQUEST FOR PRODUCTION NO. 61:**

16 Produce all documents which address the accuracy, truthfulness, or reliability of your
 17 reporting to the credit reporting agencies.

18 **RESPONSE TO REQUEST FOR PRODUCTION NO. 61:**

19 Wells Fargo objects that compliance with this request would be oppressive and
 20 burdensome. Wells Fargo objects to this request to the extent it seeks information that is neither
 21 relevant nor reasonably calculated to lead to the discovery of admissible evidence. Wells Fargo
 22 further objects to this request as overbroad, vague and ambiguous. As drafted this request fails to
 23 describe the documents requested with "reasonable particularity." Fed.R.Civ.P.34(b).

24 **REASON WHY FURTHER RESPONSES SHOULD NOT BE COMPELLE D:**

25 The request is ambiguous, overbroad, and not reasonably calculated to lead to the
 26 discovery of admissible evidence.

27 It is unclear what documents plaintiff is requesting. Wells Fargo cannot be sure whether
 28 plaintiff is seeking procedure manuals relating to its credit reporting practices (which have been

1 produced); individual consumer disputes or complain t letters; internal reviews of Wells Fargo's
 2 practices (sought in another category, and overbroa d/irrelevant in any event); Wells Fargo's
 3 responses to other credit reporting complaints; or, something else. This request makes no attempt
 4 to set forth documents by "individual item or by ca tegory with reasonable particularity." *In re*
 5 *IBM Peripheral EDP Devices Antitrust Litigation* 77 F.R.D. at 42.

6 Plaintiff has not satisfied his obligation to affir matively show that the requested
 7 documents are relevant, *Vardon Golf Co., Inc. v. BBMG Golf, Ltd.*, 156 F.R.D. 641, 651 (N.D.II.
 8 1994), and that the request is not unreasonably cum ulative or duplicative. Civ.L.R.37-2; Fed.R.
 9 Civ.P.26(b)(2)(C). Furthermore, plaintiff has fa iled to *detail the basis* for plaintiff's contention
 10 that he is entitled to the requested discovery. Ci v.L.R.37-2; emphasis added.

11 Wells Fargo did not waive its objections, but it mely asserted them. *Burlington Northern*
 12 does not require a responding party to provide a narrated description of the reasons why it is
 13 asserting a particular objection in order to preser v that objection.

14 **REQUEST FOR PRODUCTION NO.62:**

15 Produce any report, memoranda, bulletin or other do cument which describes the potential
 16 adverse effects or consequences on consumers of a n accurate, untruthful, or unreliable credit
 17 reporting by YOU.

18 **RESPONSE TO REQUEST FOR PRODUCTION NO.62:**

19 Wells Fargo objects that compliance with this requ st would be oppressive and
 20 burdensome. Wells Fargo objects to this request to the extent it seeks information that is neither
 21 relevant nor reasonably calculated to lead to the d iscovery of admissible evidence. Wells Fargo
 22 further objects to this request as overbroad, vague and ambiguous. As drafted this request fails to
 23 describe the documents requested with "reasonable articulability." Fed.R.Civ.P.34(b).

24 **REASON WHY FURTHER RESPONSES SHOULD NOT BE COMPELLED:**

25 The request is ambiguous, overbroad, and not reason ably calculated to lead to the
 26 discovery of admissible evidence.

27 To the extent this request seeks information pertai ning to the accuracy of reporting
 28 information to credit reporting agencies, these mat erials are irrelevant to this action. This Court

1 has already held that plaintiff has no private cause of action for violation of 15 U.S.C. § 1681s-
 2 (a), which covers accurate reporting. *Howard v. Blue Ridge Bank, et al.*, 371 F. Supp. 2d 1139,
 3 1147 (N.D. Ca. 2005). Documents which describe the potential adverse effects or consequences
 4 to all consumers in general are not relevant to the dispute appropriately, or whether its actions con-
 5 cerning plaintiff were “willful.” Plaintiff has not satisfied his obligation to affirmatively show that
 6 the requested documents are relevant, *Vardon Golf Co., Inc. v. BBMGGolf, Ltd.*, 156 F.R.D. 641, 651 (N.D. Ill. 1994), and that the request is not
 7 unreasonably cumulative or duplicative. Civ.L.R. 37-2; Fed.R.Civ.P.26(b)(2)(C).
 8 Furthermore, plaintiff has failed to detail the basis for plaintiff’s contention that he is entitled to
 9 the requested discovery. Civ.L.R. 37-2; emphasis added.
 10

11 Wells Fargo did not waive its objections, but it merely asserted them. *Burlington Northern*
 12 does not require a responding party to provide a narrative description of the reasons why it is
 13 asserting a particular objection in order to preserve that objection.

14 REQUEST FOR PRODUCTION NO. 65:

15 Produce all policy manuals, procedure manuals, or documents, which address your
 16 policies, practices or procedures regarding correct documents, which address your
 17 which is disputed as inaccurate and/or preventing updating, modifying, deleting credit data
 18 modified, and/or deleted credit data insertion of previously corrected, updated,
 19 RESPONSE TO REQUEST FOR PRODUCTION NO. 65:

20 Wells Fargo objects to this request to the extent it expressly or impliedly seeks
 21 information which is confidential or proprietary in nature or which constitutes protected
 22 commercial, trade secret information of Wells Fargo. Subject to and without waiving these
 23 objections, Wells Fargo will produce all responsive documents in its possession, custody, and
 24 control that are not objectionable.

25 REASON WHY FURTHER RESPONSES SHOULD NOT BE COMPELLED D:

26 Wells Fargo agreed to produce documents responsive to this request. As permitted under
 27 Fed.R.Civ.P.34(b)(2)(E)(i), Wells Fargo has produced documents “as they are kept in the usual
 28 course of business.”

REQUESTFORPRODUCTIONNO.66:

Produce all policy manuals, procedure manuals, or other documents, which address your policies, practices or procedures for collection, maintenance, retention, dissemination or disposal of account data, during each of the preceding five years.

RESPONSETOREQUESTFORPRODUCTIONNO.66:

Wells Fargo objects to this request to the extent it expressly or impliedly seeks information which is confidential or proprietary in nature or which constitutes protected commercial, trade secret information of Wells Fargo. Subject to and without waiving these objections, Wells Fargo will produce all responsive documents in its possession, custody, and control that are not objectionable.

REASONWHYFURTHERRESPONSESSHouldNOTBECOMPELLED:

Wells Fargo agreed to produce documents responsive to this request. As permitted under Fed.R.Civ.P.34(b)(2)(E)(i), Wells Fargo has produced documents "as they are kept in the usual course of business."

REQUESTFORPRODUCTIONNO.67:

Produce all documents concerning the names, addresses, telephone numbers, current employers and current whereabouts of each and every one of your employees who were involved in placing, maintaining and/or reinserting the account in dispute on plaintiff's credit file or report.

RESPONSETOREQUESTFORPRODUCTIONNO.67:

Wells Fargo objects to this request on the grounds that it seeks documents protected by third parties' rights to privacy under the California and United States Constitutions. Wells Fargo objects that compliance with this request would be oppressive and burdensome. Wells Fargo objects to this request to the extent it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Wells Fargo further objects to this request as overbroad, vague and ambiguous. As drafted, this request fails to describe the documents requested with "reasonable particularity." Fed.R.Civ.P.34(b).

1 REASON WHY FURTHER RESPONSES SHOULD NOT BE COMPELLE D:

2 The request is overbroad, and not reasonably calculated to lead to the discovery of
 3 admissible evidence.

4 Its initial disclosures and in response to an interrogatory, Wells Fargo has already
 5 provided a list of names and contact information of witnesses likely to have knowledge of the
 6 facts relating to this lawsuit. This document request is overreaching to cover documents that are
 7 protected by Wells Fargo's employees' right to privacy, including but not limited to tax
 8 documents, income statements, and performance evaluations. Plaintiff has not satisfied his
 9 obligation to affirmatively show that the requested documents are relevant, *Vardon Golf Co., Inc.*
 10 v. *BBMGGolf, Ltd.*, 156 F.R.D. 641, 651 (N.D.II.1994), and that the request is not unreasonably
 11 cumulative or duplicative. Civ.L.R.37-2; Fed.R. Civ.P.26(b)(2)(C). Furthermore, plaintiff has
 12 failed to detail the basis for plaintiff's contention that he is entitled to the requested discovery.
 13 Civ.L.R.37-2; emphasis added.

14 Wells Fargo did not waive its objections, but it merely asserted them. *Burlington Northern*
 15 does not require a responding party to provide an narrative description of the reasons why it is
 16 asserting a particular objection in order to preserve that objection.

17 REQUEST FOR PRODUCTION NO.68:

18 Produce all performance evaluations for each employee of you're employees who took
 19 any action with regard to the resolution of any of plaintiff's credit dispute.

20 RESPONSE TO REQUEST FOR PRODUCTION NO.68:

21 Wells Fargo objects to this request on the grounds that it seeks documents protected by
 22 third parties' rights to privacy under the California and United States Constitutions. Wells Fargo
 23 objects that compliance with this request would be oppressive and burdensome. Wells Fargo
 24 objects to this request to the extent it seeks information that is neither relevant nor reasonably
 25 calculated to lead to the discovery of admissible evidence. Wells Fargo further objects to this
 26 request as overbroad, vague and ambiguous. As drafted, this request fails to describe the
 27 documents requested with "reasonable particularity." Fed.R.Civ.P.34(b).

28 REASON WHY FURTHER RESPONSES SHOULD NOT BE COMPELLE D:

1 Therequestisambiguous,overbroad,andonnotreasonablycalculatedtoleadtothe
 2 discoveryofadmissibleevidence.

3 Initsinitialdisclosuresandinresponsetoaninterrrogatory,WellsFargo hasalready
 4 providedalistofnamesandcontactinformationofwitnesseslikelytohaveknowledgeofthe
 5 factsrelatingtothislawsuit.Everyperformanceevaluationfortheseemployeesduringallthe
 6 yearssuchemployeeshaveworkedforWellsFargocouldnotberelevanttothequestionof
 7 whetherWellsFargohandledthisdisputeappropriately,orwhetheritsactionsconcerning
 8 plaintiffwere“willful.”Thisdocumentrequestov erreaches to cover documents that are
 9 protectedbyWellsFargo’semployees’rightstopri vacy.Pla intiffhasnotsatisfiedhisobligation
 10 toaffirmativelyshowthattherequesteddocuments arerelevant, *VardonGolfCo.,Inc.v.BBMG*
 11 *Golf,Ltd.*,156F.R.D.641,651(N.D.II.1994),andthatthe requestisnotunreasonably
 12 cumulativeorduplicative.Civ.L.R.37-2;Fed.R. Civ.P.26(b)(2)(C).Furthermore,plaintiffhas
 13 failedto *detailthebasis* forplaintiff’scontentionthatheisentitledtot herequesteddiscovery.
 14 Civ.L.R.37-2;emphasisadded.

15 WellsFargodidnotwaiveitsobjectionsonlyexp lainingthem in itsresponses, andit
 16 shouldnotberequiredtoprovideaprivilegeloguntiltheCourtrulesonthepermissiblescopeof
 17 discovery. *U.S.v.PhilipMorrisInc.*,347F.3d951,954(D.C.Cir.2003).

18 **REQUESTFORPRODUCTIONNO.69:**

19 Produceallpolicies,procedures, andpracticesregardingtherenumberingofyour
 20 accountsand/ornotificationtothecreditbureaus ofsuchrenumbering.

21 **RESPONSETOREQUESTFORPRODUCTIONNO.69:**

22 Nosuchdocumentsexist.

23 **REASONWHYFURTHERRESPONSESSHouldNOTBECOMPELLED:**

24 WellsFargoalreadystatedthatnoresponsesivedocumentsexist.WellsFargocannot
 25 respondfurthertothisrequest.

26 **REQUESTFORPRODUCTIONNO.70:**

27 Produceallpolicymanuals,proceduremanuals,ordocuments,whichaddressyour
 28 policies,practicesorproceduresregardingyourco nsiderationsandsafeguardsemployedwhena

1 consumer report on a credit applicant to your company
 2 contains a statement alerting you of possible fraud or misuse of the consumer's personal
 identifiers.

3 **RESPONSE TO REQUEST FOR PRODUCTION NO. 70:**

4 Wells Fargo objects that compliance with this request would be oppressive and
 burdensome. Wells Fargo objects to this request to the extent it seeks information that is either
 5 relevant nor reasonably calculated to lead to the discovery of admissible evidence. Wells Fargo
 6 further objects to this request as overbroad, vague and ambiguous. As drafted this request fails to
 7 describe the documents requested with "reasonable particularity." Fed.R.Civ.P.34(b).

8 **REASON WHY FURTHER RESPONSES SHOULD NOT BE COMPELLED:**

9 The request is ambiguous, overbroad, and not reasonably calculated to lead to the
 10 discovery of admissible evidence.

11 Wells Fargo has already produced relevant policy and procedure manuals relating to its
 12 investigations under 15 U.S.C. § 1681s-2(b). Plaintiff has not satisfied his obligation to show that
 13 the request is not unreasonably cumulative or duplicative when compared to the other numerous
 14 requests seeking similar policy and procedure manuals. Civ.L.R. 37-2; Fed.R.Civ.P.
 15 26(b)(2)(C). Furthermore, plaintiff has failed to detail the basis for plaintiff's contention that he
 16 is entitled to the requested discovery. Civ.L.R. 37-2; emphasis added.

17 Wells Fargo did not waive its objections, but it merely asserted them. *Burlington Northern*
 18 does not require a responding party to provide a narrative description of the reasons why it is
 19 asserting a particular objection in order to preserve that objection.

20 **REQUEST FOR PRODUCTION NO. 71:**

21 Produce all policy manuals, procedure manuals, or other documents which address your
 22 policies, practices or procedures in the investigation or re-investigation of credit data which is
 23 disputed as inaccurate.

24 **RESPONSE TO REQUEST FOR PRODUCTION NO. 71:**

25 Wells Fargo objects to this request to the extent it expressly or impliedly seeks
 26 information which is confidential or proprietary in nature or which constitutes protected
 27 commercial, trade secret information of Wells Fargo. Subject to and without waiving these

1 objections, WellsFargo will produce all responsive documents in its possession, custody, and
 2 control that are not objectionable.

3 **REASON WHY FURTHER RESPONSES SHOULD NOT BE COMPELLE D:**

4 The request is ambiguous, overbroad, and not reasonably calculated to lead to the discovery of admissible evidence.

5 WellsFargo has already produced relevant policy and procedure manuals relating to its investigations under 15 U.S.C. § 1681s-2(b). Plaintiff has not satisfied his obligation to show that the request is not unreasonably cumulative or duplicative when compared to the other numerous requests seeking similar policy and procedure manuals. Civ.L.R. 37-2; Fed.R.Civ.P. 26(b)(2)(C). Furthermore, plaintiff has failed to detail the basis for plaintiff's contention that he is entitled to the requested discovery. Civ.L.R. 37-2; emphasis added.

6 WellsFargo did not waive its objections, but it merely asserted them. *Burlington Northern* does not require a responding party to provide an articulated description of the reasons why it is asserting a particular objection in order to preserve that objection.

7 **REQUEST FOR PRODUCTION NO. 72:**

8 Produce all documents evidencing, constituting or including data concerning your first notification of any allegation that any account bearing either or both plaintiffs' personal identifiers and/or any of the account numbers had been created by application fraud or been used by a person not authorized to use or possess such an account.

9 **RESPONSE TO REQUEST FOR PRODUCTION NO. 72:**

10 WellsFargo agrees to produce all responsive documents sought in this request.

11 **REASON WHY FURTHER RESPONSES SHOULD NOT BE COMPELLE D:**

12 WellsFargo agreed to produce documents responsive to this request. As permitted under Fed.R.Civ.P. 34(b)(2)(E)(i), WellsFargo has produced documents "as they are kept in the usual course of business."

1 REQUESTFORPRODUCTIONNO.75:

2 Produce all documents or correspondence in your, or your attorney's, possession that
 3 refers to or relates to any fact(s) which may be relevant in this lawsuit excluding letters between
 4 you and your attorney.

5 RESPONSETOREQUESTFORPRODUCTIONNO.75:

6 Wells Fargo objects that compliance with this request would be oppressive and
 7 burdensome. Wells Fargo objects to this request to the extent it seeks information that is neither
 8 relevant nor reasonably calculated to lead to the discovery of admissible evidence. Wells Fargo
 9 objects to this request to the extent it expressly or impliedly seeks information protected from
 10 discovery by the attorney-client privilege, the attorney work product doctrine, the self-critical
 11 analysis privilege, and the bank examination privilege. Wells Fargo further objects to this request
 12 as overbroad, vague and ambiguous. As drafted this request fails to describe the documents
 13 requested with "reasonable particularity." Fed.R.Civ.P.34(b).

14 REASONWHYFURTHERRESPONSESHOULDNOTBECOMPELLED:

15 The request is ambiguous, overbroad, and not reasonably calculated to lead to the
 16 discovery of admissible evidence.

17 Wells Fargo cannot reasonably be expected to produce "all documents" relating to facts
 18 which "may be relevant." The only limiting aspect of this request is that plaintiff is not seeking
 19 letters between counsel for Wells Fargo and Wells Fargo. Other than that, Wells Fargo cannot
 20 even begin to ascertain what kind of documents plaintiff is seeking. Plaintiff has not satisfied his
 21 obligation to show that the request is not unreasonable. Plaintiff has not satisfied his
 22 obligation to show that the request is not overbroad. Plaintiff has not satisfied his
 23 obligation to show that the request is not vague and ambiguous. Plaintiff has not satisfied his
 24 obligation to show that the request is not ambiguous. Plaintiff has failed to detail the basis for plaintiff's
 25 contention that he is entitled to the requested discovery. Civ.L.R.37-2; emphasis added.

26 Wells Fargo did not waive its objections, but timely asserted them. *Burlington Northern*
 27 does not require a responding party to provide a narrative description of the reasons why it is
 28 asserting a particular objection in order to preserve that objection.

REQUESTFORPRODUCTIONNO.77:

Produceanydocumentcontaininganydescription, definition, concordance, or index of any shorthand, abbreviations, codes, shorthand, or notations contained in any documents which would be responsive to any of the prior requests.

RESPONSETOREQUESTFORPRODUCTIONNO.77:

WellsFargo objects that compliance with this request would be oppressive and burdensome. WellsFargo objects to this request to the extent it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. WellsFargo objects to this request to the extent it expressly or impliedly seeks information protected from discovery by the attorney-client privilege, the attorney work product doctrine, the self-critical analysis privilege, and the bank examination privilege. WellsFargo further objects to this request as overbroad, vague and ambiguous. As drafted this request fails to describe the documents requested with "reasonable particularity." Fed.R. Civ.P.34(b).

REASONWHYFURTHERRESPONSESSHouldNOTBECOMPELLED:

As permitted under Fed.R.Civ.P.34(b)(2)(E)(i), WellsFargo has produced documents "as they are kept in the usual course of business."

REQUESTFORPRODUCTIONNO.78:

ProduceanydepositiontranscriptsinwhichYOUor anyofYOURagentsoffered testimony regarding YOUR policies, procedures or practices relating to credit reporting or reinvestigation.

RESPONSETOREQUESTFORPRODUCTIONNO.78:

WellsFargo objects that compliance with this request would be oppressive and burdensome. WellsFargo objects to this request to the extent it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. WellsFargo further objects to this request as overbroad, vague and ambiguous. As drafted this request fails to describe the documents requested with "reasonable particularity." Fed.R.Civ.P.34(b).

1 REASON WHY FURTHER RESPONSES SHOULD NOT BE COMPELLE D:

2 The request is ambiguous, overbroad, and not reasonably calculated to lead to the
3 discovery of admissible evidence.

4 To the extent this request seeks transcripts of depositionstakeninthiscase, there are no
5 responsive documents. Any deposition transcripts as they relate to investigations other than those
6 which involved the plaintiff are not relevant to the question of whether Wells Fargo handled this
7 dispute appropriately, or whether its actions concerningplaintiff were "willful." Plaintiff has not
8 satisfied his obligation to affirmatively show that the requested documents are relevant, *Vardon*
9 *Golf Co., Inc. v. BBMGGolf, Ltd.*, 156 F.R.D. 641, 651 (N.D.II.1994), and that the request is not
10 unreasonably cumulative or duplicative. Civ.L.R. 37-2; Fed.R.Civ.P.26(b)(2)(C).

11 Furthermore, plaintiff has failed to detail the basis for plaintiff's contention that he is entitled to
12 the requested discovery. Civ.L.R. 37-2; emphasis added.

13 Wells Fargo did not waive its objections by notexpanding them in its responses, and it
14 should not be required to provide a privilege log until the Court rules on the permissible scope of
15 discovery. *U.S. v. Philip Morris Inc.*, 347 F.3d 951, 954 (D.C.Cir.2003).

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REQUESTSFORADMISSION

REQUESTFORADMISSIONNO.5:

3 ADMIT that you intended your actions in 2006 and 2007 when you reported to Trans
4 Union that Plaintiff was personally liable to you upon account.

5 | RESPONSE TO REQUEST FOR ADMISSION NO.5:

6 Wells Fargo objects to this request to the extent it seeks information that is neither
7 relevant nor reasonably calculated to lead to the discovery of admissible evidence. Wells Fargo
8 further objects to this request as overbroad, vague and ambiguous as to the term “you intended
9 your actions.”

REASON WHY FURTHER RESPONSES TO REQUESTS SHOULD NOT BE ECOMPelled:

11 The request is vague and ambiguous. Indeed, it is non-sensical, in that Wells Fargo did
12 not report to TransUnion in 2006 or 2007 that plaintiff was personally liable on an account. If
13 the request is intended to refer to Wells Fargo's responses to TransUnion's CDV's in June and
14 December of 2007, Wells Fargo responded that the customer disputed the account (in June and
15 December) and it instructed TransUnion to delete the account in December, which is what Wells
16 Fargo intended to do. If the request is intended to refer to Wells Fargo's shifting of the internal
17 credit reporting block in 2006, that action was unintended, as was any reappearance of this
18 information on plaintiff's credit report. In this context of this request, asking whether Wells
19 Fargo "intended its actions" is inherently ambiguous.

20 The request should not be deemed admitted because it is not a permissible remedy for
21 deficient response, and because Wells Fargo has responded to this request to the best of its ability
22 based upon the unclear nature of the request and based upon the information known to Wells
23 Fargo.

24 | REQUESTFORADMISSIONNO.6:

25 ADMIT that you did not intend your actions in 2006 and 2007 when you reported to Trans
26 Union that Plaintiff was personally liable to you and an account.

1 RESPONSETOREQUESTFORADMISSIONNO.6:

2 WellsFargo objects to this request to the extent it
 3 seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. WellsFargo
 4 further objects to this request as overbroad, vague and ambiguous as to the term "you did not intend your actions."

6 REASONGWHYFURTHERRESPONSETOREQUESTSHOULDNOTBE COMPELLED:

7 The request is vague and ambiguous. Indeed, it is non-sensical, in that WellsFargo did not report to TransUnion in 2006 or 2007 that plaintiff was personally liable on an account. If the request is intended to refer to WellsFargo's responses to TransUnion's CDV's in June and December of 2007, WellsFargo responded that the customer disputed the account (in June and December) and it instructed TransUnion to delete the account in December, which is what WellsFargo intended to do. If the request is intended to credit reporting block in 2006, that action was unique and was any reappearance of this information on plaintiff's credit report. In this context of this request, asking whether WellsFargo "intended its actions" is inherently ambiguous.

16 The request should not be deemed admitted because it is not a permissible remedy for a deficient response, and because WellsFargo has responded to this request to the best of its ability based upon the unclear nature of the request and based upon the information known to WellsFargo.

20 REQUESTFORADMISSIONNO.7:

21 ADMIT that the investigation you performed in 2007 regarding Plaintiff was accomplished as you intended.

23 RESPONSETOREQUESTFORADMISSIONNO.7:

24 WellsFargo objects to this request to the extent it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. WellsFargo
 25 further objects to this request as overbroad, vague and ambiguous as to the term "as you intended."

1 REASON WHY FURTHER RESPONSE TO REQUEST SHOULD NOT BE COMPELLED:

2 The request is vague and ambiguous. It does not specify the investigation to which it refers, and there were two, in June and December of 2007. Wells Fargo completed those investigations based upon the information provided to it by TransUnion. Wells Fargo does not contend that a clerical error occurred during either investigation, that is, it does not contend that it inadvertently reported something to TransUnion which "did not intend" to report at that time. However, this does not necessarily mean that one or both investigations would not have been different, or if Wells Fargo had been provided with different or additional information from TransUnion when the investigations were commenced. In this context of this request, asking whether Wells Fargo "intended its actions" is inherently ambiguous.

12 The request should not be deemed admitted because it is not a permissible remedy for a deficient response, and because Wells Fargo has responded to this request to the best of its ability based upon the unclear nature of the request and based upon the information known to Wells Fargo. Furthermore, plaintiff has failed to detail the basis for plaintiff's contention that he is entitled to the requested discovery. Civ.L.R.37-2; emphasis added.

17 REQUEST FOR ADMISSION NO. 8:

18 ADMIT that the investigation you performed in 2007 regarding Plaintiff was not accomplished as you intended.

20 RESPONSE TO REQUEST FOR ADMISSION NO. 8:

21 Wells Fargo objects on the grounds that this request is vague and ambiguous. Wells Fargo further objects to this request as overbroad, vague and ambiguous as to the term "as you intended."

24 REASON WHY FURTHER RESPONSE TO REQUEST SHOULD NOT BE COMPELLED:

25 The request is vague and ambiguous. It does not specify the investigation to which it refers, and there were two, in June and December of 2007. Wells Fargo completed those investigations based upon the information provided to it by TransUnion. Wells Fargo does not contend that a clerical error occurred during either investigation, that is, it does not contend that it

1 inadvertently reported something to TransUnion who
 2 However, this does not necessarily mean that one or
 3 accomplished differently if circumstances had been
 4 withheld or different additional information from Trans
 5 commenced. In this context of this request, asking
 6 inherently ambiguous.

7 The request should not be deemed admitted because it
 8 is a deficient response, and because Wells Fargo has respon-
 9 ded based upon the unclear nature of the request and ba-
 10 fargo. Furthermore, plaintiff has failed to detail the basis for plaintiff's contention that he is
 11 entitled to the requested discovery. Civ.L.R.37-2; emphasis added.

REQUEST FOR ADMISSION NO. 13:

13 ADMIT that your Net Worth is in excess of \$1 Billio-
 n.

RESPONSE TO REQUEST FOR ADMISSION NO. 13:

15 Wells Fargo objects to this request on the grounds that it seeks confidential documents.
 16 Wells Fargo objects to this request to the extent it seeks information that is neither relevant nor
 17 reasonably calculated to lead to the discovery of admissible evidence. Wells Fargo further
 18 objects to this request as overbroad, vague and ambiguous.

WELLSFARGO DOES NOT DISPUTE REQUEST FOR ADMISSION NO. 13:

20 Wells Fargo has agreed to supplement its response to this request, but has not yet gathered
 21 sufficient information to be able to admit or deny this request.

REQUEST FOR ADMISSION NO. 14:

23 ADMIT that your Net Worth is in excess of \$500 Mill-
 ion.

RESPONSE TO REQUEST FOR ADMISSION NO. 14:

25 Wells Fargo objects to this request on the grounds that it seeks confidential documents.
 26 Wells Fargo objects to this request to the extent it seeks information that is neither relevant nor
 27 reasonably calculated to lead to the discovery of admissible evidence. Wells Fargo further
 28 objects to this request as overbroad, vague and ambiguous.

1 WELLSFARGODOESNOTDISPUTEREQUESTFORADMISSION NO.14:

2 WellsFargo has agreed to supplement its response to this request, but has not yet gathered
3 sufficient information to be able to admit or deny this request.

4 REQUESTFORADMISSIONNO.15:

5 ADMIT that your Net Worth is in excess of \$200 Mill ion.

6 RESPONSETOREQUESTFORADMISSIONNO.15:

7 WellsFargo objects to this request on the grounds that it seeks confidential documents.
8 WellsFargo objects to this request to the extent it seeks information that is neither relevant nor
9 reasonably calculated to lead to the discovery of admissible evidence. WellsFargo further
10 objects to this request as overbroad, vague and ambiguous.

11 WELLSFARGODOESNOTDISPUTEREQUESTFORADMISSION NO.15

12 WellsFargo has agreed to supplement its response to this request, but has not yet gathered
13 sufficient information to be able to admit or deny this request.

16 DATED: June 24, 2008

SEVERSON&WERSON
A Professional Corporation

18 By: _____ /S/Peter H. Bales
19 Peter H. Bales

20 Attorneys for Defendant
21 WELL SFARGO FINANCIAL ACCEPTANCE
MISSOURI, INC.